WHITE PAPER ON PROPOSALS

FOR A NEW

CHARTERED ACCOUNTANTS ACT

MAY, 1984

Honourable R. L. Andrew
Minister of Finance
and Minister Responsible for
The Chartered Accountants Act

White Paper on a New Chartered Accountants Act

The council of the Institute of Chartered Accountants of Saskatchewan has proposed a new Chartered Accountants Act to be enacted by the Legislative Assembly. The existing legislation was enacted in 1934, and has remained virtually unchanged, but for housekeeping amendments, since that time. The Institute believes the 1934 Act has served both the Institute and the public well. However, the increasing complexities of commerce and the greater expectations of society require a legislative base more attuned to modern society to permit the Institute to deal with them.

The Institute proposes a new, updated Act to strengthen the protection of the public, to increase the role of members in the establishment of bylaws, to revise disciplinary procedures and to generally reflect the role of the profession in the modern business world.

To accomplish these goals, the Institute has proposed a number of new initiatives:

(a) appointment of a lay member to the council of the Institute;

(b) power to make bylaws on the following topics:

(i) periodic random inspection of the practices of members;

(ii) standards of professional conduct;

(iii) requiring professional development by members and requiring members to maintain certain levels of professional competence;

(iv) permitting specialists' certificates;

(v) regulating advertising by members;

(vi) regulating trust accounts of members and records that must be kept for them; and

(vii) requiring members to maintain liability insurance.

(c) new disciplinary procedures, providing for investigation of complaints, new hearing procedures and appeals, as well as disciplinary action;

(d) modification of the standard reporting requirements contained in other professional association Acts respecting membership lists, and bylaw changes.

The Institute proposes that the provisions of the present Act permitting the council to make extensive bylaws be continued, but that the new Act require that a three-quarters majority approve any new or amended bylaws. As is now the case, any bylaw so passed would be subject to revocation, amendment or confirmation at the annual meeting of the Institute. The Institute also proposes that a new Act require that notice of any bylaw changes be given to all members within 30 days.

Despite these proposed provisions, many members of the Institute have opposed the new proposals, particularly those which permit institution of mandatory practice inspection, standards of professional conduct and mandatory professional development.

Attached to this paper is a proposal for a new Chartered Accountants Act based, in part, on the recommendations and representations of the Institute of Chartered Accountants of Saskatchewan and on the provisions of other recent professional association Acts.

The purpose of this paper and the attached draft proposal is to permit free and open discussion amongst members of the Institute and interested members of the public on the new initiatives.

DRAFT PROPOSED ACT

An Act respecting the Institute of Chartered Accountants of Saskatchewan and to repeal The Chartered Accountants Act and The Certified Public Accountants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as The Chartered Accountants Act, 1984.

Interpretation

2 In this Act:

"bylaws" (a) "bylaws" means bylaws enacted pursuant to section 13;

"council" (b) "council" means the council of the institute referred to in section 6;

"elected member" (c) "elected member" means a member of council elected pursuant to section 7;

"institute" (d) "institute" means The Institute of Chartered Accountants of Saskatchewan continued pursuant to section 3;

"member" (e) "member" means a person whose name is recorded as a member in the register;

"minister" (f) "minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

"register" (g) "register" means the register of members and students maintained pursuant to section 16;

"secretary" (h) "secretary" means the secretary or secretary-treasurer of the institute appointed pursuant to subsection 10(2).

"student" (i) "student" means a person whose name is recorded as a student in the register.

INSTITUTE

Institute and Association continued

3 The Institute of Chartered Accountants of Saskatchewn and The Certified Public Accountants Association of Saskatchewan are continued as a body corporate under the name of "The Institute of Chartered Accountants of Saskatchewan".

Members

4 The institute consists of those persons who are members in good standing pursuant to The Chartered Accountants Act or The Certified Public Accountants Act on the day before this section comes into force and those persons who become members pursuant to this Act.

Powers

5(1) The institute may purchase, lease, take, hold or otherwise acquire any property and may sell, mortgage, lease or otherwise dispose of any of that property.

(2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the institute.
(3) The institute may invest its funds in investments in which trustees are authorized to invest pursuant to The Trustee Act.
(4) The institute may grant certificates or annual licences to members.

COUNCIL

Council established

6(1) The affairs of the institute are under the management of a council consisting of:

(a) not less than six nor more than twenty persons, as may be determined by the bylaws, who are members residing in Saskatchewan, elected by the institute from among its members pursuant to section 7; and

(b) the person appointed pursuant to section 8.

(2) Those persons who are members of the council of the Institute of Chartered Accountants pursuant to The Chartered Accountants Act on the day before the day this section comes into force constitute the council until persons are elected and appointed as members of the council pursuant to this Act.
(3) Members of the council are entitled to remuneration and reimbursement for expenses in the amount determined by bylaw.

Elected Members

7(1) The members of the council referred to in clause 6(1)(a) shall be elected in accordance with the bylaws.
(2) Each member of the council referred to in clause 6(1)(a) holds office for the term determined in the bylaws.
(3) Each elected member of the council holds office until his successor is elected.

Appointment of person to council

8(1) The Lieutenant Governor in Council may appoint a resident of Saskatchewan as a member of the council.
(2) The person appointed pursuant to subsection (1) holds office for a term of two years and until his successor is appointed, but no such person is eligible to hold office for more than two consecutive terms.
(3) Subject to subsection 21(1) the member of the council appointed pursuant to this section may exercise rights, hold office and serve as a member of committees to the same extent as other members of the council, but no such member is eligible to hold office as president or vice-president of the council pursuant to subsection 6(3).
(4) The person appointed pursuant to subsection (1) is entitled to remuneration and reimbursement for expenses in the amount determined for other members of the council pursuant to subsection 6(3).
(5) Sums required for the purposes of subsection (4) are to be paid by the institute.

Vacancies

9(1) When a vacancy occurs in the membership of the council as a result of the death or resignation of a member of the council or for any other reason:

(a) in the case of a member of council referred to in clause 6(1)(a), the remaining members of council may elect another member to fill the vacancy until the next annual meeting of the institute;

(b) in the case of a member of council who was appointed pursuant to section 8, the Lieutenant Governor in Council may appoint another person to fill the vacancy for the remainder of the unexpired term of the person being replaced.

(2) A vacancy in the membership of the council does not impair the power of the remaining members of the council to act.

Officers and employees

10(1) The council shall, from its members, elect a president and one or more vice-presidents.

(2) The council shall appoint a secretary and a treasurer, or a secretary-treasurer and may:

(a) appoint such other officers as may be provided for by the bylaws; and

(b) engage any employees considered necessary to carry out the duties and functions of the institute.

(3) The council shall, subject to the bylaws, determine the duties, responsibilities and remuneration of officers and employees of the institute.

Committees

11(1) The council may appoint such committees as are provided for by this Act, the council or the bylaws and determine the remuneration to be paid to the committee members.

(2) The council may delegate to a committee appointed pursuant to subsection (1) any of its powers or duties other than those set out in section 25, on such terms or conditions as the council may determine.

(3) Subject to subsection 21(1), a member of a committee appointed pursuant to subsection (1) may be a person who is not a member.

MEETINGS OF INSTITUTE

Annual Meetings

12(1) An annual meeting of the members shall be held at such time and place as is determined by the council in accordance with the bylaws for the transaction of such business as may be brought before the meeting.

(2) The procedure at an annual meeting shall be as is determined by bylaw.

(3) A special meeting of the members shall be held:

(a) on resolution of the council; or

(b) on the demand in writing of at least 25 members;

for the transaction of such business as is specified in the resolution or demand.

(4) Notice of an annual or special meeting shall be given to each member by ordinary mail at least 10 days before the special meeting.

BYLAWS

Procedure

13(1) The council, with the approval of not less than three-quarters of its members, may pass bylaws for any purpose set out in section 14.

(2) A bylaw made by the council has force and effect only until the next annual or special meeting of the institute and, unless confirmed or varied by the members in accordance with subsection (3) ceases to have any force or effect.

(3)The institute at an annual or special meeting, with the approval of a majority of those who vote, may pass bylaws for any purpose set out in section 14 and confirm, vary or rescind any bylaw made by the council pursuant to subsection (1).

(4) The revocation or variation of a bylaw pursuant to subsection (3) does not affect the operation or application of the bylaw prior to its revocation or variation and everything done, omitted to be done or authorized pursuant to the bylaw is valid and effectual against all persons notwithstanding the revocation or variation, unless otherwise directed by a majority of members who vote at an annual meeting.

(5) The secretary shall notify each member, by ordinary mail, of each bylaw passed pursuant to subsection (1) or (3) or confirmed, varied or rescinded pursuant to subsection (3).

(6) Bylaws made pursuant to The Chartered Accountants Act or The Certified Public Accountants Act continue in force until varied or revoked pursuant to this section.

Powers

14 Subject to this Act, bylaws made pursuant to section 13 may be made for the following purposes:

(a) prescribing the seal of the institute;

(b) providing for the execution of documents by the institute;

(c) respecting banking and financial dealings of the institute;

(d) governing the application of moneys forming the funds of the institute;

(e) fixing the fiscal year of the institute and providing for the audit of the accounts and transactions of the institute;

(f) prescribing the number of, and the terms of office of members of the council referred to in clause 6(1)(a);

(g) prescribing the duties of members of the council and officers and employees of the institute;

(h) prescribing remuneration and reimbursement for expenses for members of council;

(i) governing procedures for the election of members of the council referred to in clause 6(1)(a);

(j) prescribing the organization, powers and procedure of the council and regulating the council in the performance of its duties;

(k) respecting the granting of diplomas, membership certificates or annual licences;
(l) respecting the calling, holding and procedures of meetings of the council and annual or special meetings of the institute;
(m) prescribing the qualifications, standards and tests of competency, standards of fitness and moral character for the registration of members and students of the institute;
(n) providing for honorary membership, life membership or fellowship in the institute and the qualifications, appointment and privileges of such membership;
(o) prescribing or establishing classes, lectures, courses of study, systems of training, periods of service and examinations for students and members;
(p) prescribing the amounts of registration and other fees payable to the institute, the times of payment and penalties for late payment;
(q) providing for the receipt, management and investment of contributions, donations or bequests from members or others;
(r) prescribing standards of professional conduct, competency and proficiency of members and students;
(s) prescribing the manner and method of practice of members and students;
(t) prescribing investigation and inspection of methods of practice and trust funds of members by members;
(u) prescribing procedures for the investigation by the professional conduct committee and hearings by the discipline committee of complaints or allegations that a member or student is guilty of professional misconduct or has violated one of the provisions of this Act or the bylaws;
(v) prescribing the composition of, and procedures for, the professional conduct committee and the discipline committee;
(w) governing the reinstatement of a member or student who has been expelled or suspended;
(x) defining activities which constitute a conflict of interest;
(y) prescribing procedures for periodic review of the qualifications of members, and prescribing the circumstances in which members are required to take refresher training programs and other courses of training;
(z) prescribing for the issuance, suspension and revocation of specialist certificates to members and prescribing the use of any title indicating specialist practice by a member;
(aa) regulating advertising by members;
(bb) requiring maintenance of professional liability insurance and prescribing the minimum limits of such insurance;
(cc) prescribing the books, records and accounts to be kept and maintained by members with respect to trust funds;
(dd) prescribing the form, content and maintenance of the register and the information to be provided by members,

students and firms for the purposes of the register;
(ee) regulating joint participation by the institute, the council or members with any educational institution, or any person, groups, association, organization or body corporate having goals or objects similar to those of the institute;
(ff) generally, for the better carrying out of the provisions of this Act.

MEMBERSHIP

Members

15(1) Persons shall be admitted as members by council in accordance with the bylaws.
(2) The institute may admit any person to the institute as a fellow of the institute, or honourary member of the institute.
(3) Students are eligible to be registered as students to the institute by the council in accordance with the bylaws.
(4) Each member shall have the right to use the designation "Chartered Accountant" in English and "comptable agree" in French and may use after his name the initials "C.A.".
(5) A fellow of the institute admitted pursuant to subsection (2) may use the initials "F.C.A." after his name, signifying "Fellow of the Chartered Accountants".

Register

16(1) The council shall, in accordance with the bylaws, cause to be kept a register of all members and students.
(2) The register referred to in subsection (1) shall be kept open for inspection by all persons, without fee, during normal office hours.
(3) A copy of the register or an extract of the register certified by the secretary shall be accepted as prima facie evidence of its contents and that the members or students specified therein are members or students in good standing or suspended at the date of the certification, without proof of the signature or appointment of the secretary.
(4) The absence of the name of a person in a copy of the register or an indication that he is suspended as a member is prima facie proof that the person is not a member or student of the institute, or is suspended, as the case may be.

PROHIBITIONS AND PENALTIES

Prohibitions

17(1) No person who is not a member or fellow of the institute in good standing shall use the designations "Chartered Accountant", "comptable agree", "Certified Public Accountant", "C.A.", "A.C.A.", "F.C.A." or "C.P.A." either alone or in combination with other words or initials.
(2) No person who is not a member or fellow of the institute in good standing shall in any way represent that he is a chartered accountant, fellow of the chartered accountants, certified accountant or certified public accountant.
(3) Every person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of not

more than $1,000.

Limitations

18(1) The council may institute or authorize the institution of proceedings for an offence under subsection 17(1) or (2).
(2) No prosecution for an offence under subsection 17(1) or (2) is to be commenced after the expiration of one year from the date of the alleged offence.

DISCIPLINE

Professional Conduct Committee

19(1) The professional conduct committee is established consisting of at least five members appointed by the council.
(2) No member of council and no member of the discipline committee shall be appointed as a member of the professional conduct committee.
(3) Subject to this Act and the bylaws, the professional conduct committee may determine its procedure.
(4) Five members of the professional conduct committee constitute a quorum.

Investigation

20(1) Upon the complaint of any person, in writing, that a member or student is guilty of professional misconduct or a breach of a provision of this Act or the bylaws, the professional conduct committee shall review the complaint and shall:

(a) where the majority of that committee is of the opinion that the subject matter of the complaint does not constitute professional misconduct, or a breach of this Act or the bylaws, direct that no further action be taken; or

(b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.

(2) Upon completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending that:

(a) the discipline committee hear and determine the formal complaint set out in the written report; or

(b) no further action be taken with respect to the matter under investigation;

and a report signed by a majority of the committee is a decision of the committee.
(3) Subject to clause 41(4)(c), no statement or evidence given by the member whose conduct is the subject of the complaint to the committee shall be used in evidence in any proceedings other than the investigation by that committee.

Discipline Committee

21(1) The discipline committee is established consisting of at least five persons appointed by the council, a majority of which shall be members.

(2) No member of council and no member of the professional conduct committee shall be appointed as a member of the discipline committee.
(3) The members of the discipline committee shall appoint a chairman of that committee.
(4) No member of the discipline committee who was a member of the professional conduct committee which investigated a complaint against a member shall participate in a hearing by the discipline committee of that complaint.
(5) Subject to this Act and the bylaws, the discipline committee may determine its procedure.
(6) Five members of the discipline committee constitute a quorum.

Hearing

22(1) Where a report of the professional conduct committee recommends that the discipline committee hear and determine a formal complaint, the secretary shall, at least two weeks prior to the date the committee is to sit:

(a) send a copy of the formal complaint to the member whose conduct is the subject matter of the hearing; and
(b) notify the member whose conduct is the subject of the hearing, of the date, time and place of the hearing.

(2) The professional conduct committee shall prosecute the formal complaint, but its members shall not participate in any other manner in the hearing of the complaint, except as witnesses when required.
(3) The discipline committee shall hear the formal complaint and shall decide whether or not the member is guilty of professional misconduct, a breach of this Act or the bylaws, notwithstanding the fact that the existence, interpretation or construction of a contract or the determination of any other question of fact may be involved, and the discipline committee need not refer any such matter to a court for adjudication.
(4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
(5) The discipline committee may employ at the expense of the institute, such legal or other assistance as it considers necessary, and the member whose conduct is subject of the hearing may at his own expense be represented by counsel.
(6) The testimony of witnesses shall be under oath administered by the chairman of the committee.
(7) At a hearing by the discipline committee, there shall be full right to examine, cross-examine and re-examine all witnesses and full right to adduce evidence in defence and reply.
(8) Upon the application of the member whose conduct is the subject of a hearing or a member of the discipline committee, the local registrar of Her Majesty's Court of Queen's Bench for Saskatchewan at any judicial centre shall, upon payment of the appropriate fees, issue writs of subpoena ad testificandum or subpoena duces tecum and, where such writ is disobeyed, the

proceedings and penalties are those applicable in civil cases in Her Majesty's Court of Queen's Bench for Saskatchewan.

(9) Where the member whose conduct is subject of the inquiry fails to attend the hearing, upon proof of service of the notice referred to in subsection (1), the discipline committee may proceed with the inquiry in his absence.

(10) The discipline committee may, either in the absence of the member whose conduct is the subject of the complaint or with his consent, accept evidence upon affidavit.

Powers of Committee

23(1) Where the discipline committee finds a member guilty of professional misconduct, or a breach of this Act or the bylaws, it may:

(a) order that the member be expelled from the institute and that his name be struck from the register;

(b) order that the member be suspended from practising for a specified period of time;

(c) order that the member may continue to practise only under conditions specified in the order which conditions may include, but are not restricted to, an order that the member:

(i) not do specified types of work;

(ii) successfully complete specified classes or courses of instruction;

(iii) not have exclusive control of a trust account;

(iv) obtain medical treatment;

(d) reprimand the member; or

(e) make any other order that seems just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

(a) that the member pay to the institute within a fixed period:

(i) a fine in a specified amount; and

(ii) the costs of the inquiry and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee; and

(b) where a member fails to make payment in accordance with an order under clause (a), that the member be suspended from practising.

(3) The discipline committee shall send a copy of an order made pursuant to subsection (1) or (2) to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) Where a member is expelled or suspended from the institute, the secretary shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

Professional misconduct

24 Professional misconduct is a question of fact but any matter, conduct or thing, whether or not disgraceful or dishonourable that

is inimical to the best interests of the public or the members of the institute or tends to harm the standing of the profession of accounting, is professional misconduct within the meaning of this Act.

Conviction for indictable offence

25 A member who has been convicted of an indictable offence under the Criminal Code, as amended from time to time, may, upon the report of the professional conduct committee, be expelled from the institute by resolution of the discipline committee without further inquiry.

Appeal to council

26(1) A member who has been found guilty by the discipline committee may appeal the decision or any order of the discipline committee to the council within thirty days of the order of the discipline committee.

(2) Upon receipt of an appeal, the secretary shall file with the council a true copy of:

(a) the notice of inquiry;

(b) the transcript of the evidence presented to the discipline committee;

(c) the decision and order of the discipline committee.

(3) Upon payment of the prescribed fee, the appellant or his solicitor or agent may obtain from the secretary a copy of the documents filed pursuant to subsection (2).

(4) In hearing an appeal, the council shall:

(a) dismiss the appeal;

(b) quash the finding of guilty;

(c) direct a new hearing or further inquiries by the discipline committee; or

(d) vary the order of the discipline committee

and may make any order as to costs that it considers appropriate.

(5) A decision of the majority of the council pursuant to subsection (4) is a decision of the council.

Appeal to the Court of Appeal

27(1) A member who is the subject of decision or order of the council pursuant to section 26 may appeal that decision or order to the Court of Appeal, within thirty days of the decision or order of the council by:

(a) filing a notice of appeal with the registrar of the Court of Appeal; and

(b) serving the secretary with a copy of the notice of appeal.

(2) Upon receipt of a notice of appeal pursuant to subsection (1), the secretary shall file with the Court of Appeal a true copy of:

(a) the notice of inquiry;

(b) the transcript of evidence presented to the discipline committee;

(c) the decision and order of the discipline committee;

(d) the decision and order of the council.

(3) Upon payment of the prescribed fee, the appellant or his solicitor or agent may obtain from the secretary a copy of the documents filed pursuant to subsection (2).

(4) In hearing an appeal under this section, the Court of Appeal shall:

(a) dismiss the appeal;
(b) quash the finding of guilty;
(c) direct a new hearing;
(d) vary the order of the council;

and may make any order as to costs that it considers appropriate.

Effect of Appeal

28 The commencement of an appeal to the council or to the Court of Appeal does not stay the effect of an order or decision of the discipline committee or the council, respectively but upon two days' notice to the secretary, the appellant may, in respect of an appeal to the Court of Appeal, apply to that court for a stay of proceedings pending the disposition of the appeal.

Students

29 Where it is alleged that a student is guilty of professional misconduct or a breach of this Act or the bylaws, the provisions of sections 19 to 28 apply, mutatis mutandis.

Effect of Expulsion

30 Where a member is expelled from the institute or his right to practise is suspended pursuant to this Act, his rights and privileges as a member are removed as long as he is expelled or for the period of his suspension.

Re-instatement

31(1) A person who has been expelled from the institute may apply to the council for reinstatement.

(2) Upon receipt of an application pursuant to subsection (1), the council may:

(a) cause any investigation to be conducted in any manner that may be prescribed in the bylaws;
(b) where a majority of the council is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the member be reinstated on any terms and conditions that the council considers appropriate; or
(c) refuse to reinstate the person.

(3) Where, on application pursuant to subsection (1), the council refuses to reinstate the person as a member, the applicant may, within six months after the date of the order, appeal the order of council to the Court of Appeal and the Court of Appeal may allow or disallow the appeal.

(4) On an appeal pursuant to subsection (3), the Court of Appeal shall consider:

(a) the proceedings before the council on the application for reinstatement;

(b) the past record of the appellant as shown by the books and records of the institute;
(c) the evidence taken before the council and any committee which dealt with the matter and the report of that committee;
(d) the decision which is the subject of the appeal;
and the provisions of section 27 apply, mutatis mutandis.

No action against committees or members

32 No action lies against the institute, the council, members of the discipline committee or the professional conduct committee or any officer or employee of the institute for any proceedings taken in good faith or any decision or orders made or enforced under the provisions of this Act or the bylaws.

GENERAL

Liability of members

33 No member or student is personally liable for any debt of the institute beyond the amount of his unpaid fees or dues.

Limitation of Actions

34 No member is liable in an action for negligence or malpractice by reason of professional services requested or rendered unless the action is commenced within three years from the date when, in the matter complained of, the professional services terminated.

Bylaws

35(1) The institute shall file in the Department of Consumer and Commercial Affairs two copies, certified by the secretary to be true copies, of:
(a) all bylaws made, confirmed or varied pursuant to subsection 13(3); and
(b) all amendments made to such bylaws;
within thirty days after they are made.
(2) Where a bylaw, rule or regulation is amended, two copies of it shall be filed with the amendment.

Effective date of bylaws

36 All bylaws and amendments to them shall take effect upon the making of them or on a date stated in them for the purpose.

Effect of failure to file bylaw

37 Failure to file any bylaw, rule, regulation or amendment as required by section 35 shall render the bylaw or amendment ineffective as from the expiration of the time allowed for filing it and it shall be deemed to have been revoked.

Review by Legislative Assembly

38(1) One copy of all bylaws and amendments filed with the Department of Consumer and Commercial Affairs pursuant to section 35 shall, in accordance with The Tabling of Documents Act, be laid before the Legislative Assembly.

(2) Where any bylaw or amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, such bylaw or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

Record of revocation and notification

39(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Minister of Consumer and Commercial Affairs and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies the Deputy Minister of Consumer and Commercial Affairs shall file one of the copies with the bylaw or amendment to which it relates and immediately forward the other copy to the institute and at the same time advise the institute that the copy is forwarded pursuant to this subsection.

List of members, etc., to be filed

40 The institute shall, before February 1 in each year, file in the Department of Consumer and Commercial Affairs a return, certified by the secretary of the institute to be correct, showing:

(a) the names and addresses and dates of admission to membership in the institute of all persons who became members during the preceding year;

(b) the names and addresses of all students who became students during the preceding year;

(c) the names of all persons who were suspended or expelled or otherwise ceased to be in good standing during that year;

(d) the names of all members who were reinstated during that year;

(e) any known changes in the addresses of members or students.

Additions to and alternations in list

41 Upon receipt of the return required by section 40 the Minister of Consumer and Commercial Affairs shall cause the list of members and students on file in his department to be amended by the addition or insertion of appropriate entries in accordance with the information contained in the return.

Report to Minister of Finance

42 Where an application for reinstatement or for admission to membership in the institute or for admission as a student is made in compliance with this Act and the bylaws and is refused, the institute shall, within seven days, forward by registered mail to the minister a report setting forth the circumstances and stating the reasons for the refusal.

Discipline

43(1) Where the council or disciplinary committee suspends or expells a member or a student, the institute shall within fourteen days after the date of suspension or expulsion forward by registered mail to the minister a copy, certified by the secretary to be a true copy, of the complaint, any report upon the conduct of the person suspended or dismissed and the order of the council or discipline committee, and shall furnish the minister with such relative information as he may require.

(2) If the minister is of opinion that the suspension or dismissal is unjust or contrary to the public interest, he may:

(a) request the council or discipline committee to reconsider the case and its findings;

(b) if the council or discipline committee and the member whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the council, one nominated by the member whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render decision thereon; or

(c) institute an appeal to of the Court of Appeal.

(3) Nothing in this section shall prejudice any right of appeal conferred by this Act.

Examinations

44(1) The examination of candidates for admission to the institute shall be under the control of either the University of Saskatchewan or the University of Regina as is determined by council.

(2) The Senate of either or both Universities may after consultation with the council:

(a) appoint a board of examiners to examine all candidates;

(b) make rules governing the conduct of examination and prescribing the fees payable by candidates.

(3) The registrar of the unviersity conducting the examination shall report the result of all of the examinations to the secretary.

Rev. Stat. C-7 and C-5 Repealed

45 The Chartered Accountants Act and The Certified Public Accountants Act are repealed.

Coming into Force

46 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.